

*Application No. 09/235,065
Reply to Office Action of Jan. 26, 2005
Amendment dated Mar. 17, 2005*

REMARKS/ARGUMENTS

This Amendment After Final is filed at the request of the Examiner to place the above application in condition for allowance. Applicant has amended claim 84 to clarify that the address is a telephone address. It is Applicant's understanding that the subject application is now in condition for allowance and such disposition is respectfully requested.

Applicant wishes to clarify the intended meaning of certain claim language in light of the Federal Circuit decision "SuperGuide Corporation v. DirecTV Enterprises, Inc., et al., 358 F.3d 870 (Fed. Cir. 2004). In that decision, the Federal Circuit held, under the unique facts of that case, that the phrase "at least one of a desired program start time, a desired program end time, a desired program service, and a desired program type" means "at least one of a desired program start time, at least one of a desired program end time, at least one of a desired program service, and at least one of a desired program type".

Applicant has used the phrase "at least one of . . . and" in a number of claims and wishes to clarify to the Examiner the proper construction of this phrase. Applicant intended the phrase "at least one . . . and" as used in the claims to be an open-ended expression that is both conjunctive and disjunctive in operation. For example, the expression "at least one of A, B and C" means A alone, B alone, C alone, A and B together, A and C together, B and C together, and A, B and C together. Applicant believes that this construction is consistent with the Examiner's construction of the claims in the Office Action. If the Examiner disagrees with this construction, Applicant

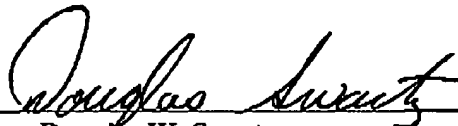
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respectfully requests that the Examiner notify Applicant accordingly so that Applicant can further amend the claims.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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